

## COPDOCK and WASHBROOK PARISH COUNCIL

### CO-OPTION PROCEDURES

#### **Introduction**

These procedures are set out to ensure there is compliance with legislation and continuity of procedures in the co-option of members to Copdock and Washbrook Parish Council. The co-option procedure is entirely managed by the Parish Council, and will ensure that a fair and equitable process is carried out.

#### **Co-option**

The co-option of a parish councillor occurs in two instances:

1. When an ordinary vacancy has arisen after the ordinary elections held every four years;
2. When a casual vacancy has arisen and no poll (by-election) has been called.

#### **Ordinary Vacancy**

An ordinary vacancy occurs when there are insufficient candidates to fill all the seats on the Parish Council at the ordinary elections held every four years. Any candidates who were nominated are automatically elected to the Parish Council and any remaining vacancies are known as 'ordinary vacancies'. Provided there are enough parish councillors to constitute a quorum, the Parish Council is usually able to co-opt a volunteer to fill the vacancies. In some cases, the District Council may intervene and make an appointment or order an election to fill the vacancies.

#### **Casual Vacancy**

A casual vacancy occurs when:

- a councillor fails to make his Declaration of Acceptance of Office at the proper time;
- a councillor resigns
- a councillor dies
- a councillor becomes disqualified
- a councillor fails for six months to attend meetings of the council, a committee or sub-committee, or to attend as a representative of the council a meeting of an outside body.

The Parish Council has to notify the District Council of a casual vacancy, then advertise the vacancy and give electors for the parish the opportunity to request an election. This happens when ten, or more, electors write to the district council stating that an election is requested.

If a by-election is called, a polling station will be set up by Babergh District Council and the parishioners will be asked to go to the polls to vote for candidates who will have put themselves forward by way of a nomination paper. The Parish Council will pay the costs of the election. The parishioners have fourteen days (not including weekends, bank holidays and other notable days), to claim the by-election, but the Electoral Services of Babergh District Council will advise the Clerk of the closing date.

If more than one candidate is then nominated a by-election takes place, but if only one candidate comes forward, they are duly elected without a ballot.

If ten electors, or more, do not request a by-election within fourteen days of the Vacancy Notice being posted, as advised by the Electoral Services, the Parish Council is able to fill the vacancy by co-option.

### **Confirmation of Co-option**

On receipt of written confirmation from the Electoral Services that no by-election has been claimed, the casual vacancy can be filled by means of co-option. The Clerk will advertise the vacancy for a period as agreed by the Parish Council, on the Parish Council noticeboards and website. This procedure will also apply in the case of an ordinary vacancy where the Electoral Services has confirmed that there were insufficient nominations to fill all the seats but there are sufficient parish councillors elected to constitute a quorum.

### **Eligibility of Candidates**

The Parish Council is able to consider any person to fill a vacancy provided that:

- they are 18 or over; and
  - they are a British Citizen, a qualifying Commonwealth citizen or a citizen of any member state of the European Union;
- and at least one of the following apply:
- they are an elector for the Parish and continue to be an elector; or
  - has resided in the Parish for the past twelve months or rented / tenanted land in the Parish; or
  - has had their principal or only place of work in the Parish for the past twelve months; or
  - has lived within three miles of the Parish for the past twelve months.

There are certain disqualifications for being a parish councillor, (Local Government Act 1972, s80), of which the main are:

- holding a paid office or employment under the Parish Council;
- bankruptcy
- having been sentenced to a term of imprisonment (whether suspended or not) of not less than three months, without the option of a fine during the preceding five years; or
- being disqualified under any enactment relating to corrupt or illegal electoral practices.

### **Applications**

Candidates will be requested to:

- submit information about themselves, by way of completing a short application form (Appendix A);
- confirm their eligibility for the position of parish councillor within the statutory rules (Appendix B).

Following receipt of applications, the next suitable Parish Council meeting will have an agenda item 'To receive written Applications for the Office of Parish Councillor and to Co-opt a Candidate to fill the Existing Vacancy'. Eligible candidates will be invited to attend the meeting.

Copies of the eligible candidates' applications will be circulated to all parish councillors by the Clerk at least five clear days prior to the meeting of the full Parish Council, when the co-option will be considered.

### **At the Co-option Meeting**

At the co-option meeting, candidates will be given five minutes maximum to introduce themselves to the parish councillors (members), give information on their background and experience and explain why they wish to become a member of the Parish Council, if they wish to do so. The process will be carried out in the public session and there will be no private discussions between members prior to a vote being taken.

As soon as all candidates have finished presenting their submissions, the Parish Council will proceed to vote with each candidate being proposed and seconded by the councillors in attendance and by a show of hands (LGA 1972, Sch. 12 para. 13). A recorded vote may be requested so as to show how each councillor present voted.

In order for a candidate to be co-opted to the Parish Council, it will be necessary for them to obtain an absolute majority of votes cast (50% + 1 of the votes available at the meeting). If there are more than two candidates for a vacancy and there is no candidate with an overall majority in the first round of voting, the candidate with the least number of votes will drop out of the process.

Further rounds of voting will then take place with the process repeated until a candidate has an absolute majority.

If present, a candidate who is co-opted will sign a Declaration of Acceptance of Office, including an undertaking to abide by the Parish Council's Code of Conduct, and may take office thereafter. If not present, a co-opted candidate will sign the Declaration of Acceptance of Office either before or at the next meeting of the Parish Council.

The Clerk will notify Babergh District Council Electoral Services of the co-option a new parish councillor.

The co-opted parish councillor will complete a Notification of Disclosable Pecuniary and Other Interests form which the Clerk will submit to Babergh District Council, within 28 days of the co-option.

If insufficient candidates are co-opted, the process should continue, whereby the vacancies are again advertised.

APPENDIX 'A'

COPDOCK and WASHBROOK PARISH COUNCIL

CO-OPTION APPLICATION FORM

Name:
Address:
Email Address:
Telephone Number:
Are you 18 or over? Yes / No
<b>Please give details of any experience you may have that is relevant to the Parish Council (if necessary continue on a separate sheet)</b>

APPENDIX 'A' CONTINUED

**Is there any other information you would like to disclose regarding your application? (if necessary, please continue on a separate sheet).**

**Use of Personal Information**

The Parish Council will use your information, including that which you provide on this application form, to assess your eligibility to be a parish councillor.

**Declaration and Consent**

I have read the section entitled 'Use of Personal Information' and by signing this form, I consent to the use and disclosure of my information included in this application form.

I declare the information given on this form to be true and accurate.

SIGNED \_\_\_\_\_ NAME \_\_\_\_\_

DATE \_\_\_\_\_

**Please complete and return this form, together with the completed 'Co-option Eligibility' form (appendix 'B') to the Parish Clerk.**

COPDOCK and WASHBROOK PARISH COUNCIL

CO-OPTION ELIGIBILITY FORM

**1. In order to be eligible for co-option as a Copdock and Washbrook Parish Councillor you must satisfy conditions (a) and (b) below and at least one of the options (c) – (f).**

**Please tick which apply to you:**

- a) I am 18 years of age or over; and
- b) I am a British citizen or a citizen of the Commonwealth or a citizen of any other member state of the European Union; and
- c) I am registered as a local elector for the parish; or
- d) I have, during the whole of the twelve months preceding the day of my application occupied, as owner or tenant, land or other premises in the parish; or
- e) My principle or only place of work during those twelve months has been in the parish; or
- f) I have during the whole of those twelve months resided in the parish or within three miles of it.

**2. Please note that under Section 80 of the Local Government Act 1972, a person is disqualified from being a parish councillor if they:**

- Is employed by the Parish Council or holds paid office (other than chair, vice-chair, deputy chair) under the Parish Council (including joint boards or companies);
- Is employed by an entity controlled by the Parish Council
- Is the subject of a bankruptcy restrictions order or an interim bankruptcy restrictions order or a debt relief restrictions order or an interim debt relief restrictions order; or
- Has within five years before the day of co-option, or since their co-option, been convicted in the UK, Channel Islands or Isle of Man of any offence and has been sentenced to imprisonment (whether suspended or not) for not less than three months without the option of a fine; or
- Is otherwise disqualified under Part III of the Representation of the People Act 1983 (relating to corrupt or illegal electoral practices and offences relating to donations) or the Audit Commission Act 1998.

**Use of personal information**

The Parish Council will use the information provided on this form to assess your eligibility to be a parish councillor.